AF/IFW

RESPONSE UNDER 37 C.F.R. § 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 2800

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor	: James K. Klang	
Appln. No.	: 10/748,792	
Filed	: December 30, 2003	Group Art Unit: 2838
For	: APPARATUS AND METHOD FOR PREDICTING THE REMAINING DISCHARGE TIME OF A BATTERY	Examiner: Robert J. Grant
Docket No.	: C382.12-0143	

RESPONSE AFTER FINAL

I HEREBY CERTIFY THAT THIS PAPER IS BEING SENT BY U.S. MAIL, FIRST CLASS, TO THE COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, THIS

18th DAY OF JANUARY, 2006.

PATENT ATTORNEY

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action dated November 18, 2005. In the Office Action, all pending claims 1-15 were rejected. Applicant respectfully requests reconsideration and allowance of all pending claims.

In section 2 of the Office Action, claims 1-15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bertness, U.S. Patent No. 6,331,762, in view of Sakai et al., U.S. Patent No. 5,905,914. This rejection was addressed in a previous response filed on August 19, 2005.

A. Rebuttal of *prima facie* case of obviousness

In response to the Applicant's arguments that nothing in Bertness and/or Sakai relates to "a full charge battery dynamic parameter" and/or "an estimated capacity," the Examiner sates (in section 3 of the Office Action) that "a state of charge is an estimated capacity" and therefore Bertness teaches an estimated